



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	DAREV/2018/21
Address	184 Nelson Street, ANNANDALE NSW 2038
Proposal	Review of Determination of Condition 2(a) which requires that the steel beam shown at first floor level to be deleted or set behind external wall cladding, plus correct determination to reflect consent issued under M/2017/53 which deleted Conditions 3, 6, 19, 20, 42 and 43.
Date of Lodgement	24 December 2018
Applicant	Mr J H Davis
Owner	Mr J H Davis
Number of Submissions	Nil submissions
Value of works	\$75,000.00 (Original cost of works)
Reason for determination at Planning Panel	Initial Development Application was determined by the Planning Panel
Main Issues	No Issues
Recommendation	Approval
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Statement of Significance for Conservation Area



LOCALITY MAP

Subject Site		Objectors		
Notified Area		Supporters		

1. Executive Summary

This report concerns a review request under Section 8.2 of the Environmental Planning and Assessment Act 1979 to review Determination No. M/2018/159 dated 16 November 2018 for alterations and additions to garage, including to provide for a first floor studio. The application was notified for 14 days in accordance with Council's Notification Policy, and no submissions were received.

The proposal is considered to satisfy the aims and controls of the Leichhardt Local Environmental Plan (LLEP 2013) and Leichhardt Development Control Plan 2013 (LDCP 2013) and is recommended for an approval.

2. Proposal

This application seeks to review the determination of Development Application No. M/2018/159 under Section 8.2 of the Environmental Planning and Assessment Act, 1979 in the following way:

- Delete condition 2(a) which was originally imposed and approved under D/2015/592 by the Leichhardt Planning Panel on the 12 July 2016 which requires that the "*steel beam shown at first floor level to be deleted or set behind external wall cladding.*"
- Delete conditions 3, 6, 12, 20, 42 and 43 which were deleted under M/2017/53 but reimposed in error under M/2018/159.

3. Site Description

The site is approximately 366.7m² in area and the rear boundary fronting Trafalgar Lane is 6.885m wide. The site is located on the eastern end of Trafalgar Lane.

Vehicular access is from the lane to the existing garage under a studio (ie the structure approved under D/2015/592). There is a cross fall (down from north to south) across the site at the laneway boundary of approximately 600mm (7.5% gradient). The floor of the existing garage is split level to account for this cross fall i.e. at RL 14.28 and RL 13.94).

Other development on this site is a part single storey/part 2 storey, semi-detached dwelling house.

The immediate locality contains a range of different types of residential buildings as well as older light industrial buildings fronting onto Trafalgar Lane.

The subject site is not a heritage item however is located within the *Annandale Heritage Conservation Area* (C1). No significant trees or vegetation are affected by the proposed development. The site is zoned R1 *General Residential* pursuant to Local Environmental Plan 2013. The site is not identified as a flood control lot.



Figure A. Aerial image of subject site



Figure B. Existing garage with existing steel beam exposed.



Figure C . Existing view looking north-east towards 184 Nelson Street Annandale.

4. Background

4(a) Site history

The following application outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

Subject Site

Application	Proposal	Decision & Date
M/2018/159	Modification of Development Consent D/2015/592 which approved alterations and additions to garage, including to provide for a first floor studio. Consent is sought for various modifications, including: maintain existing beam at first floor uncladded; change louvred windows to western elevation to clear glass and full opening; restrict external sun louvres to 35 degree maximum opening; amend hot water unit; and add door between garage and studio stairs.	Approved – 16.11.18
M/2017/53	S96 modification of D/2015/592 which approved alterations and additions to garage, including to provide for a first floor studio. Modification seeks amendments to conditions.	Approved – 6.4.17
M/2016/157	Section 96 application to modify D/2015/592 which approved alterations and additions to garage including first floor studio. Application seeks to delete conditions 2 a (required the deletion of the steel beam), e (window sill to 1600mm as amended plans have been included to	Approved – 4.11.16

	incorporate such requirement), and h (required rear windows to be fixed and obscure as amended plans incorporate revised windows).	
D/2015/592	Alterations and additions to garage, including to provide for a first floor studio	Approved – 12.7.16

Surrounding properties

Application	Proposal	Decision & Date
D/2006/374 – 186 Nelson Street	Alterations and additions to existing dwelling including new first floor and new double garage to Trafalgar Lane.	Approved – 5.6.2007
M/2015/228 – 188 Nelson Street	Section 96 modification of D/2013/598 which approved alterations and additions to the existing dwelling with new detached garage/studio and swimming pool. Modification seeks to alter Condition No. 2 in relation to the required first floor rear setback, garage door width and wall and ridge heights and also seeks changes to approved windows/skylights, the internal layout and materials and finishes.	Approved – 10.5.2016
D/2013/598 – 188 Nelson Street	Alterations and additions to existing dwelling including new first floor, garage with studio above and swimming pool.	Approved – 14.8.2014
D/2012/414 – 188 Nelson Street	Alterations and addition to the existing dwelling, including construction of a new first floor level, detached outbuilding comprising a double garage with first floor studio, landscaping works and swimming pool.	Refused – 31.8.2012
D/2018/643 – 182 Nelson Street	Demolition of an existing garage and construction of a two storey secondary dwelling with garage	Under Assessment

4(b) Application history

Not applicable

5. SECTION 8.2 REVIEW

Section 8.2 of the Environmental Planning and Assessment Act, 1979 allows an applicant to request Council to review the determination of an application. The review is to be carried out in accordance with the requirements discussed in the following.

A review of a determination can not be carried out on a complying development certificate, or a determination in respect of designated development, or a determination made by the council under section 4.33 in respect of an application by the Crown.

The subject application was not complying development, designated development or an application made by the Crown.

A determination cannot be reviewed after the time limit for making of an appeal under Section 8.7 expires, being 6 months from the original determination.

The application subject to review was determined on 16 November 2018. The request for review was received by Council on 24 December 2018.

The prescribed fee must be paid in connection with a request for a review.

The applicant has paid the applicable fee in connection with the request for a review.

In requesting a review, the applicant may make amendments to the development described in the original application, provided that Council is satisfied that the development, as amended, is substantially the same as the development described in the original application.

The proposal to delete condition 2(a) (which requires that the steel beam shown at first floor level to be deleted or set behind external wall cladding) and to delete the incorrect conditions which were reimposed as an administrative error when the determination of M/2018/159 was issued, is substantially the same as the original approved development.

The review of determination has been notified in accordance with the regulations, if the regulations so require, or a development control plan, if the council has made a development control plan that requires the notification or advertising of requests for the review of its determinations.

The application was advertised for a period of 14 days. The advertising period was between 24th January 2019 to 7th February 2019.

No objections were received during the advertising period.

Consideration of any submissions made concerning the request for review within any period prescribed by the regulations or provided by the development control plan.

Not applicable.

As a consequence of a review, Council may confirm or change the determination.

After reviewing the determination of the application, it is recommended that the Inner West Local Planning Panel accept the proposal to delete condition 2(a) and conditions 3, 6, 19, 20, 42 and 43 which were imposed under M/2018/159.

The review must not be made by the person who determined the original but is to be made by another delegate of the council who is not subordinate to the delegate who made the determination. If the original determination was made by the Council then the review is also to be considered by the Council.

The original Development Application was determined by the Leichhardt Planning Panel. Therefore, the Section 8.2 Review is required to be considered by the Inner West Local Planning Panel.

5(a) Grounds of Approval

Development Application D/2015/592, although approved, was not supported by Council's Heritage Advisor in its original form and as such, Condition 2(a) was imposed on the consent requiring the following design amendments be made:

2a) *Steel beam shown at first floor level to be deleted or set behind external wall cladding.*

Heritage referral comments from M/2018/159 dated 2.10.2018 are replicated below which specifies why the request to delete Condition 2(a) under the modification application was not supported.

The modification to retain the unclad existing beam at first floor level is not supported as this detail will be out of character with other development along Trafalgar Lane. The proposal needs to be amended to ensure it complies with Condition 2. a).

It is recommended that:

- *Condition 2 (a) not be modified or deleted*

The following heritage comments are duplicated below in response to the applicant's Section 8.2 Application requesting Council delete Condition 2(a).

The subject property at 184 Nelson Street, Annandale, is located within the Annandale Heritage Conservation Area (C1 in Schedule 5 of the Leichhardt LEP 2013) and the Nelson Street Distinctive Neighbourhood (C2.2.1.6 in the Leichhardt DCP 2013).

The site not listed as a heritage item, nor is it in the vicinity of any heritage items.

The statement of significance of the HCA is available on Council's website: <https://www.innerwest.nsw.gov.au/develop/planning-controls/heritage-and-conservation/heritage-conservation-areas>

I have reviewed drawings by Ross Morton Sundesign in relation to this application. Condition 2(a) states that:

*a) Steel beam shown at **first floor level** to be deleted or set behind external wall cladding.*

This condition derives from the previous approval for D/2015/592, which was approved on 12 July 2016.

Development within the vicinity of the subject site facing Trafalgar Lane contains a mix of buildings either single or double storey, with traditional appearance and traditional roof forms (gabled or skillion). Overall the character of the laneway is respectful of the character of the area.

The approved development is a flat roofed structure which is inconsistent with other properties in Trafalgar Lane.

The use of exposed steel beam is inconsistent with the overall historic character of the laneway. However, this is considered a minor change to an already modified laneway and it is not considered to have adverse impact over the heritage conservation area.

The proposal does not require amendment to comply with Condition 2. a).

Comment: A site inspection with Council's Assessment and Heritage Officers was undertaken on the 11 February 2019 and has found that the overall historic character of Trafalgar Lane has been significantly altered. As a result, it was agreed between the assessment and heritage officer that the proposal to leave the steel beam exposed will have minimal adverse streetscape and heritage impacts given the already altered mixed character of development on Trafalgar Lane. Also, for the reasons outlined in the heritage referral comments, the proposal to delete condition 2(a) is supported on heritage grounds. This change does not alter approved landscaped area, site coverage or FSR and will raise no adverse amenity impacts on neighbouring properties.

The applicant has also requested under this application to have conditions 3, 6, 12, 20, 42 and 43 be deleted as it was originally deleted under M/2017/53 but were reimposed in error under M/2018/159.

Comment: Upon review, the above mentioned conditions were reimposed as an administrative error when the determination of M/2018/159 was issued. As such, Council supports conditions 3, 6, 12, 20, 42 and 43 being deleted from any consent granted.

6. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

The following information has been submitted with the review request to delete Condition 2(a) (which requires that the steel beam shown at first floor level to be deleted or set behind external wall cladding) and to delete Conditions 3, 6, 19, 20, 42 and 43 which were reimposed as a clerical error.

- Same architectural plans submitted to Council for the S4.55 application M/2018/159.
- Written response to then Acting Development Assessment Manager (Jai Reid) requesting to review condition 2(a) and to remove conditions 3, 6, 12, 20, 42 and 43 which were imposed as a clerical error.
- Photographs of exposed steel beams in Trafalgar Lane.

6(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- State Environmental Planning Policy (Coastal Management) 2018
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Leichhardt Local Environmental Plan 2013

The following provides further discussion of the relevant issues:

5(a)(i) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The proposal does not involve any tree removal.

5(a)(ii) State Environmental Planning Policy (Coastal Management) 2018

The subject site is not located within the coastal zone and as such, these provisions are not applicable.

5(a)(iii) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject site is not within the Foreshores and Waterways Area.

5(a)(iv) Leichhardt Local Environment Plan 2013 (LLEP 2013)

The application was assessed against the following relevant clauses of the Leichhardt Local Environmental Plan 2013 and is considered satisfactory with respect to the provisions and objectives prescribed in these Clauses:

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 4.3A(3)(a) – Landscaped Area for residential development in Zone R1
- Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 5.10 – Heritage Conservation

It is noted that the development standards will not be altered by this application and will remain the same as per the approved D/2015/592 development consent. Further the proposal will not result in any adverse amenity impacts on adjoining properties.

Clause 5.10 – Heritage Conservation

The site is located in a Heritage Conservation Area. The approved studio above the existing garage fronting Trafalgar lane is considered to be of a modern design and for the reasons outlined under Section 5(a) of this Report, the proposal to have the steel beam located on the first floor to be exposed will not significantly detract from the heritage values of the conservation area and as such, the proposal will not result in any unacceptable adverse heritage impacts.

6(b) Draft Environmental Planning Instruments

Draft State Environmental Planning Policy (Environment) 2018

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of our natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until 31 January 2018. The EIE outlines changes to occur, implementation details, and the intended

outcome. It considers the existing SEPPs proposed to be repealed and explains why certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland and Willandra Lakes World Heritage Property. Changes proposed include consolidating seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development would be consistent with the intended requirements within the Draft Environment SEPP.

6(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Leichhardt Development Control Plan 2013.

Part	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B3.1 Social Impact Assessment	Yes
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes – See Section 5(a) of this Report for further details
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	N/A
C1.8 Contamination	Yes
C1.9 Safety by Design	N/A
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	N/A
C1.12 Landscaping	N/A
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	N/A
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	Not applicable
C1.17 Minor Architectural Details	Yes
C1.18 Laneways	Yes
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	Not applicable
C1.20 Foreshore Land	Not applicable
C1.21 Green Roofs and Green Living Walls	Not applicable
Part C: Place – Section 2 Urban Character	
C2.2.1.6 Nelson Street Distinctive Neighbourhood	No – See Section 5(a) of this Report for further details; however the proposal is considered acceptable.
Part C: Place – Section 3 – Residential Provisions	

C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	N/A
C3.3 Elevation and Materials	Yes – See Section 5(a) of this Report for further details
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	N/A
C3.6 Fences	N/A
C3.7 Environmental Performance	N/A
C3.8 Private Open Space	N/A
C3.9 Solar Access	N/A
C3.10 Views	N/A
C3.11 Visual Privacy	N/A
C3.12 Acoustic Privacy	N/A
Part C: Place – Section 4 – Non-Residential Provisions	N/A
Part D: Energy	Yes
Part E: Water	Yes
Part F: Food	N/A
Part G: Site Specific Controls	N/A

6(d) Other Matters

There are no other matters that are pertinent to the subject application.

6(e) The Likely Impacts

The assessment of the review demonstrates that the proposal will have minimal heritage and streetscape impacts to the area.

6(f) The suitability of the site for the development

The site is zoned R1 – General Residential under LLEP 2013. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

6(g) Any submissions

The application was notified in accordance with Section 3 for a period of 14 days to surrounding properties. No submissions were received.

6(h) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed. The proposal is not contrary to the public interest.

7 Referrals

The application was referred to Councils Heritage Officer for comment and is supportive of the application as mentioned in this Report under Section 5(a).

8. Conclusion

The proposal is in the public interest as it is considered acceptable with respect to the aims and objectives contained in Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for approval.

9. Recommendation

That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, approve Development Application No. DAREV/2018/21 to review Determination No. D/2015/592 dated 12 July 2016, under Section 8.2 of the Environmental Planning and Assessment Act, to delete condition 2(a) which requires that the steel beam shown at first floor level to be deleted or set behind external wall cladding and to delete conditions 3, 6, 12, 20, 42 and 43 which were deleted under M/2017/53 but reimposed in error under M/2018/159.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

1. Development must be carried out in accordance with Development Application No. D/2015/592 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Dwg No: 992.SA1 Site Analysis Plan	Ross Morton Sundesign	Undated
Dwg No: 992.1/4C Site Plan	Ross Morton Sundesign	05.09.2018
Dwg No: 992.2/4C Ground Floor Plan, First Floor Plan, Roof Plan	Ross Morton Sundesign	05.09.2018
Dwg No: 992.3/4C Elevations – West, South, East & North, Sections A-A & B-B	Ross Morton Sundesign	05.09.2018
Dwg No: 992.4/4C Detail	Ross Morton Sundesign	Undated
Dwg No: 992.SL1 Cross Section	Ross Morton Sundesign	20.07.2016
Dwg No: 992.SL2 Site Plan	Ross Morton Sundesign	20.07.2016
Document Title	Prepared By	Dated
Statement of Environmental Effects	Burrell Threlfo Pagan Pty Ltd	October 2015
BASIX Certificate No: A229447_03	Ross Morton Sundesign	07.09.2018
Waste Management Plan	Prepared for Mr. J. Davis	10.09.2015

In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.

Where there is an inconsistency between approved elevations and floor plan, the elevation shall prevail.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

The existing elements (walls, floors etc) shown to be retained on the approved plans shall not be removed, altered or rebuilt without prior consent of the consent authority.

Note: Carrying out of works contrary to the above plans and/ or conditions may invalidate this consent; result in orders, on the spot fines or legal proceedings.

(Condition amended by M/2018/159 on 16 November 2018)

2. Amended plans are to be submitted incorporating the following amendments:
 - b) ~~Steel beam shown at first floor level to be deleted or set behind external wall cladding.~~
(Condition deleted by DAREV/2018/21 on INSERT DATE)
 - c) External wall finish being a rendered smooth flush finish with no externally expressed panel joints.

- d) Maximum roof RL to be 19.94.
- e) Window W01 on the first floor and associated external louvre on the West Elevation to be deleted.
- f) Windows W04 and W05 on the East elevation to have a minimum sill height of 1600mm above the finished floor level of the Studio.
- g) The shower in the en-suite bathroom within the studio is to be deleted.
- h) All new external colours including window, doors and wall (including exposed steel beam to roof fascia), to be similar to existing colours on comparable substrates. Colour of external louvre to match window frame colour.
- h) External solid louvres (e.g. timber or aluminium) are to be installed to cover the full frame of windows W02 and W03 on the western (rear) elevation. These louvres are to be restricted so as to open a maximum of 35° and when open to the maximum extent are to have a complete overlap of the bottom and top of blades to prevent looking out horizontally.
(Condition amended by M/2018/159 on 16 November 2018)
- i) The air conditioning unit located on the roof is to be relocated so that it is not visible from a person standing in Trafalgar Lane. If this cannot be achieved then it is to be deleted.
(Condition added by M/2018/159 on 16 November 2018)

Details demonstrating compliance with the requirements of this condition are to be marked on the plans and be submitted to the Principal Certifying Authority's satisfaction prior to the issue of any Construction Certificate.

(Condition amended by M/2018/159 on 16 November 2018 and DAREV/2018/21 on INSERT DATE)

3. ~~The design of the vehicular access and off street parking facilities must be amended to address the relevant provisions of Australian Standard AS/NZS 2890.1-2004 Parking Facilities - Off-Street Car Parking. The following specific issues must be addressed in the design:~~

- a) ~~The width of the garage door opening to Trafalgar Lane must be reduced to 3500mm, measured from the southern extent of the existing door opening.~~

~~The existing vehicle crossing is required to be reduced in width to align with the reduced garage door opening, with kerb and gutter and footpath constructed across the extent of the redundant portion of the vehicle crossing. The level of the new footpath at the boundary is to be 170mm above the adjacent road gutter level.~~

~~The floor level of the garage at the base of the new internal stairway must be raised to be one step up from the new footpath level in Trafalgar Street after the redundant portion of the vehicle crossing has been closed, as above.~~

- b) ~~A minimum of 2200mm Headroom must be provided throughout the access and parking facilities. Note that Headroom must be measured to the lowest~~

~~projection from the ceiling, such as lighting fixtures, and to open garage doors.~~

- ~~e) Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements.~~
- ~~d) Where the drop adjacent to the end of the parking module(s) exceeds 600mm, structural barriers must be provided. Where the drop is between 150-600mm, wheel stops must be provided.~~

~~The above physical controls must be installed in accordance with the requirements of Section 2.4.5 of AS/NZS 2890.1:2004.~~

~~The design must be certified by a suitably qualified Civil Engineer with NPER registration with the Institution of Engineers Australia and be provided prior to the issue of a Construction Certificate~~

[Condition 3 deleted by M/2017/53 on 6 April 2017 and is re-deleted by DAREV/2018/21 on INSERT DATE]

- 4. As the site where the property is identified as located within ANEF 20-25 or greater, the development approved under this consent must meet the relevant provisions of Australian Standard AS 2021:2000 Acoustics – Aircraft noise intrusion – Building siting and construction.

An acoustic report prepared by a suitably qualified person and accompanying plans demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

- 5. Consent is granted for the demolition on the property as described on the approved plans, subject to strict compliance with the following conditions:
 - a) The adjoining residents must be notified seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, site contact details/person, elements to be demolished and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of and directly opposite the demolition site.
 - b) Written notice is to be given to the Principal Certifying Authority for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections must be undertaken by the Principal Certifying Authority:
 - i) A *pre commencement* inspection when all the site works are installed on the site and prior to demolition commencing.
 - ii) A *final* inspection when the demolition works have been completed.

NOTE: If Council is nominated as your Principal Certifying Authority 24 - 48 hours' notice to carry out inspections is required. Arrangement for inspections can be made by phoning 9367 9222.

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
- e) The demolition plans must be submitted to the appropriate Sydney Water Quick Check agent for a building plan approval.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 6.00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority.
- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense. Dial before you dig www.1100.com.au should be contacted prior to works commencing.
- n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
- o) Prior to demolition, a Work Plan must be prepared and submitted to the Principal Certifying Authority in accordance with the relevant provisions of

Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

- p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
- i) A WorkCover licensed contractor must undertake removal of all asbestos.
 - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.
 - iii) Waste disposal receipts must be provided to Council / Principal Certifying Authority as proof of correct disposal of asbestos laden waste.
 - iv) All removal of asbestos must comply with the requirements of WorkCover and Leichhardt Council.
 - v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.

6. ~~The applicant must bear the cost of construction of the following works:~~

- a) ~~Closer of the redundant portion of the vehicle crossing and construction of concrete kerb and gutter and concrete infill footpath at the Trafalgar Lane frontage of the site.~~

~~Development Consent does NOT give approval to undertake any works on Council property. An application must be made to Council for a Roadworks Permit under Section 138 of the *Roads Act 1993* for approval to construct these works.~~

~~The Roadworks Permit must be provided prior to the issue of a Construction Certificate.~~

~~These works must be constructed in accordance with the conditions of the Roadworks Permit and be completed prior to the issue of an Occupation Certificate.~~

~~Note: The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.~~

[Condition 6 deleted by M/2017/53 on 6 April 2017 and is re-deleted by DAREV/2018/21 on INSERT DATE]

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

7. Any air conditioning unit on the site must be installed and operated at all times so as not to cause "Offensive Noise" as defined by the Protection of the Environment (Operations) Act 1997.

The system/s shall be operated as follows:

- a) Domestic air conditioners must not be audible in nearby dwellings between:
- i) 10:00pm to 7:00am on Monday to Saturday: and
 - ii) 10:00pm to 8:00am on Sundays and Public Holidays.
- b) At any other time the systems and associated equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A).

The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

Air conditioning units must be installed in accordance with plans referenced in condition 1 or to satisfy provisions of the State Environmental Planning Policy (Exempt & Complying Codes) 2008.

Details demonstrating compliance with the requirements of this condition and the acoustic measures to be employed to achieve compliance with this condition are to be submitted for approval to the Principal Certifying Authority prior to the issue of any Construction Certificate.

8. In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:
- a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the "Principal Certifying Authority."
 - b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
 - c) At least two days notice, in writing has been given to Council of the intention to commence work.

The documentation required under this condition must show that the proposal complies with all Development Consent conditions and is not inconsistent with the approved plans, the Building Code of Australia and the relevant Australian Standards.

9. The following requirements are to be incorporated into the development detailed on the Construction Certificate plans and provided prior to the issue of a Construction Certificate:
- a) No rainforest timbers or timbers cut from old growth forests are to be used in the construction of the development. Timbers to be used are to be limited

to any plantation, regrowth or recycled timbers, or timbers grown on Australian Farms or State Forest Plantations.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

10. In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a Construction Certificate.

Details demonstrating compliance are to be shown on the plans submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

11. New materials that are not depicted on the approved plans must not be used. Highly reflective wall or roofing materials and glazing must not be used. Materials must be designed so as to not result in glare (maximum normal specular reflectivity of visible light 20%) or that causes any discomfort to pedestrians or neighbouring properties. Details of finished external surface materials, including colours and texture must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority.
12. If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation:
 - a) Must preserve and protect the adjoining building from damage
 - b) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - c) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, the allotment of land includes public property.

13. The following fire upgrading is required pursuant to Clause 94 of the *Environmental Planning and Assessment Regulation 2000*:
 - The building is to be provided with smoke alarm system that complies with *AS3786-1993: Smoke Alarms* and the smoke alarms must be connected to the consumer mains electrical power supply and interconnected where there is more than one alarm with a stand-by (battery back-up) power supply. The smoke alarm system must be installed in suitable locations on or near the ceiling in accordance with Part 3.7.2 of the Building Code of Australia.

Amended plans and specifications demonstrating compliance with this condition must be submitted to the satisfaction of the Principal Certifying Authority with the

application prior to the issuing of a for a Construction Certificate.

Note: Where an existing system complying with the above requirements is already installed in the building, evidence of this should be submitted with the application for a Construction Certificate.

14. A Certificate prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority. The certificate shall also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

15. A Soil and Water Management Plan must be provided prior to the issue of a Construction Certificate. The Soil and Water Management plan must designed to be compatible with the document Planning for Erosion and Sediment Control on Single Residential Allotments or Managing Urban Stormwater–Soils & Construction Volume 1 (2004) available at www.environment.nsw.gov.au and the Construction Management and Traffic Management Plan referred to in condition/s of this Development Consent and must address, but is not limited to the following issues:
 - a) Minimise the area of soils exposed at any one time.
 - b) Conservation of top soil.
 - c) Identify and protect proposed stockpile locations.
 - d) Preserve existing vegetation. Identify revegetation technique and materials.
 - e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.
 - f) Control surface water flows through the site in a manner that:
 - i) Diverts clean run-off around disturbed areas;
 - ii) Minimises slope gradient and flow distance within disturbed areas;
 - iii) Ensures surface run-off occurs at non erodable velocities;
 - iv) Ensures disturbed areas are promptly rehabilitated.
 - g) Sediment and erosion control measures in place before work commences.
 - h) Materials are not tracked onto the road by vehicles entering or leaving the site.
 - i) Details of drainage to protect and drain the site during works.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

16. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. For Quick Check agent details please refer to the web site <http://www.sydneywater.com.au/SW/plumbing-building-developing/building/quick-check-agents/index.html>

The Principal Certifying Authority must ensure the Quick Check agent/Sydney Water has appropriately stamped the plans prior to the issue of a Construction Certificate.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

17. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan (where applicable):

a) A plan view of the entire site and frontage roadways indicating:

- i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
- ii) The locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council.
- iii) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
- iv) A dedicated unloading and loading point within the site for construction vehicles, plant and deliveries.
- v) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.

b) Noise and vibration

During excavation, demolition and construction phases, noise & vibration generated from the site must be controlled. Refer to other conditions of this consent. If during excavation, rock is encountered, measures must be taken to minimise vibration, dust generation and impacts on surrounding properties. Refer to Environmental Noise Management Assessing Vibration: a technical Guideline (Department of Environment and Conservation, 2006) www.epa.nsw.gov.au for guidance and further information.

c) Occupational Health and Safety

All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.

- d) Toilet Facilities
During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site. Details must be shown on the plan.
- e) Traffic control plan(s) for the site
All traffic control plans must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual"

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

18. A stormwater drainage design prepared by a Licensed Plumber or qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The design must be prepared/ amended to make provision for the following:
- a) Stormwater runoff from the roof of the Studio must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter in Nelson Street.
 - b) A minimum 150mm step up must be provided between all external finished surfaces and adjacent internal floor areas, except where a reduced step is permitted under Section 3.1.2.3 (b) of the Building Code of Australia for Class 1 buildings.
 - c) All plumbing within the site must be carried out in accordance with Australian Standard AS/NZS 3500.3-2003 Plumbing and Drainage – Stormwater Drainage
 - d) Plans must specify that any components of the existing system to be retained must be checked during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development, and be replaced or upgraded if required.
 - e) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
 - f) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
 - g) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.
 - h) Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.

19. ~~An application must be made to Council for the issue of a Levels Certificate. The certificate, issued by Council, must be provided prior to the issue of a Construction Certificate.~~

~~The certificate specifies the surface levels in the road reserve adjacent to the property that must be used as the basis for the design of vehicle or pedestrian accesses, finished floor levels, fences, vents and any structures in the vicinity of the property boundary.~~

~~The Levels Certificate may specify levels in the adjacent road reserve to be changed from those existing.~~

[Condition 19 deleted by M/2017/53 on 6 April 2017 and is re-deleted by DAREV/2018/21 on INSERT DATE]

20. ~~The design of the vehicular access and off street parking facilities must be amended to address the relevant provisions of Australian Standard AS/NZS 2890.1-2004 Parking Facilities – Off-Street Car Parking. The following specific issues must be addressed in the design:~~

~~a) The floor/finished levels within the property must be adjusted to ensure that the levels at the boundary are 110mm above the adjacent road gutter invert for the full width of the vehicle crossing. The longitudinal profile must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.~~

~~b) A minimum of 2200mm Headroom must be provided throughout the access and parking facilities. Note that Headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.~~

~~c) Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements.~~

~~The design must be certified by a suitably qualified Civil Engineer with NPER registration with the Institution of Engineers Australia and be provided prior to the issue of a Construction Certificate.~~

[Condition 20 deleted by M/2017/53 on 6 April 2017 and is re-deleted by DAREV/2018/21 on INSERT DATE]

PRIOR TO WORKS COMMENCING OR ISSUE OF A CONSTRUCTION CERTIFICATE (WHICHEVER OCCURS FIRST)

21. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit to the value of \$2,800 must be paid to Council to cover the costs associated with the road, footpath and drainage works required by this consent.

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee.

A request for release of the security may be made to the Council after all construction work has been completed.

The amount nominated is only current for the financial year in which the consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

22. Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity or the Construction Certificate (whichever occurs first)
- a) Work/Construction zone (designated parking for construction vehicles). – A Work Zone application
 - b) A concrete pump across the roadway/footpath. – A Standing Plant permit
 - c) Mobile crane or any standing plant – A Standing Plant Permit
 - d) Skip bins other than those authorised by Leichhardt Council – Skip Bin Application
 - e) Scaffolding/Hoardings (fencing on public land) – Scaffolding and Hoardings on Footpath Application
 - f) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc – Road works Application
 - g) Awning or street verandah over footpath. – Road works Application
 - h) Installation or replacement of private stormwater drain, utility service or water supply – Road Opening Permit

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORKS

23. The proposed structure(s) and all plant and machinery (including air-conditioning) to be erected or installed must stand wholly within the boundaries of the subject site. No portion of the proposed structure or plant and machinery (including air-conditioning), including gates and doors during opening and closing operations, shall encroach onto or overhang adjoining properties or upon public property.

To ensure that the location of the building satisfies the provision of the approval, the footings and walls within one (1) metre of the property boundaries must be set out by or the location certified by a registered surveyor in accordance with the approved plans, prior to the commencement of works.

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the:

- a) Location of the building with respect to the boundaries of the site.
(Condition amended by M/2018/159 on 16 November 2018)

24. The site must be secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered

inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. Additionally an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property, where necessary.

Separate approval is required under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.

25. The *Home Building Act 1989* requires that insurance must be obtained from an insurance company approved by the Department of Fair Trading prior to the commencement of works approved by this Development Consent.

A copy of the certificate of insurance must be submitted to the Certifying Authority prior to the works commencing.

If the work is to be undertaken by an owner-builder, written notice of their name and owner-builder permit number must be submitted to the Certifying Authority.

In all other cases, written notice must be given to the Certifying Authority of:

- a) the name and licence number of the principal contractor; and
- b) reasons why a certificate of insurance is not required.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

26. Any person or contractor undertaking works on public property must take out Public Risk Insurance with a minimum cover of ten (10) million dollars in relation to the occupation of, and approved works within public property. The Policy is to note, and provide protection for Leichhardt Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.
27. Prior to the commencement of works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
28. At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form (available on Council's web page) and details of the appointed Principal Certifying Authority shall be submitted to Council.
29. Prior to the commencement of works, a sign must be erected in a prominent position on the site (for members of the public to view) on which the proposal is being carried out. The sign must state:
- a) Unauthorised entry to the work site is prohibited.

- b) The name of the principal contractor (or person in charge of the site) and a telephone number at which that person may be contacted at any time for business purposes and outside working hours.
- c) The name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

Photographic evidence demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority and Council for records purposes prior to the commencement of any onsite work.

DURING WORKS

- 30. Building materials and machinery are to be located wholly on site unless separate consent (Standing Plant Permit) is obtained from Council/ the roads authority. Building work is not to be carried out on the footpath.

Construction materials and vehicles shall not block or impede public use of the footpath or roadway.

- 31. All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent them from being dangerous to life or property and in accordance with the design of a suitably qualified structural engineer.

If excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:

- a) Preserve and protect the building from damage.
- b) If necessary, underpin and support the building in an approved manner.
- c) Give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate within the proximity of the respective boundary.

Any proposed method of support to any excavation adjacent to adjoining properties or any underpinning is to be designed by a Chartered Civil Engineer, with National Professional Engineering Registration (NPER) in the construction of civil/structural works. Copies of the design plans must be provided to the relevant adjoining property owner/s prior to commencement of such works. Prior to backfilling, any method of support constructed must be inspected by the designing Engineer with certification provided to all relevant parties.

- 32. The site must be appropriately secured and fenced at all times during works.
- 33. All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphate ores or soils.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority.

34. Excavation, demolition, construction or subdivision work shall only be permitted during the following hours:
- a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
 - b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
 - c) at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving shall be limited to:

8:00 am to 12:00 pm, Monday to Saturday; and
2:00 pm to 5:00 pm Monday to Friday.

The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2 hour respite period between any two periods of such works.

“Continuous” means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

35. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the demolition, construction or operation/use of the development.
36. Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.
37. The development must be inspected at the following stages by the Principal

Certifying Authority during construction:

- a) after excavation for, and prior to the placement of, any footings, and
- b) prior to pouring any in-situ reinforced concrete building element, and
- c) prior to covering of the framework for any floor, wall, roof or other building element, and
- d) prior to covering waterproofing in any wet areas, and
- e) prior to covering any stormwater drainage connections, and
- f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

38. A copy of the approved plans and this consent must be kept on site for the duration of site works and in the case of any commercial or industrial premise for the duration of the use/trading. Copies shall be made available to Council Officer's upon request.
39. Sedimentation controls, tree protection measures and safety fencing (where relevant) shall be maintained during works to ensure they provide adequate protection during the course of demolition, excavation and construction works. Materials must be stored in a location and manner to avoid material being washed to drains or adjoining properties.

The requirements of the Soil and Water Management Plan must be maintained at all times during the works and shall not be removed until the site has been stabilised to the Principal Certifying Authority's satisfaction.

Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

40. No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

41. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a Licensed Plumber or qualified practicing Civil Engineer that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards, must be provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.

42. ~~Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.~~

~~Certification by a qualified practicing Civil Engineer that the vehicular access and off street parking facilities have been constructed in accordance the development consent and with relevant Australian Standards must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.~~

[Condition 42 deleted by M/2017/53 on 6 April 2017 and is re-deleted by DAREV/2018/21 on INSERT DATE]

43. ~~Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the Roadworks Permit issued by Council.~~

~~Written notification from Council that the works approved under the Roadworks Permit have been completed to its satisfaction and in accordance with the conditions of the Permit, must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.~~

[Condition 43 deleted by M/2017/53 on 6 April 2017 and is re-deleted by DAREV/2018/21 on INSERT DATE]

44. Prior to the issue of the Occupation Certificate the Principal Certifying Authority is to confirm that no high front gutters have been installed.
45. An Occupation Certificate must be obtained prior to any use or occupation of the development or part thereof. The Principal Certifying Authority must ensure that all works are completed in accordance with this consent including all conditions.
46. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all works have been completed in accordance with the approved Waste Management Plan referred to in this development consent.

Proof of actual destination of demolition and construction waste shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

47. Prior to the release of an Occupation Certificate, the Principal Certifying Authority must be satisfied that the development complies with:
- the approved plans;
 - BASIX certificate (where relevant),
 - approved documentation (as referenced in this consent); and
 - conditions of this consent.

ONGOING CONDITIONS OF CONSENT

48. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seventy-two (72) hours of its application.
49. Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: *Control of the Obtrusive Effects of Outdoor Lighting* so as to avoid annoyance to the occupants of adjoining premises or glare

to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if in the opinion of an Authorised Council Officer it is considered there to be have adverse effects on the amenity of the area.

50. The property shall not be used for any purpose other than that stated in the Development Application, i.e. a single Dwelling House and Garage with Studio without the prior consent of the Council unless the change to another use is permitted as exempt or complying development under *Leichhardt Local Environment Plan 2013* or *State Environmental Planning policy (Exempt and Complying Codes) 2008*.

The Studio is not to be used as a separate dwelling.

The use of the property as a Dwelling House is defined under the *Leichhardt Local Environmental Plan 2013*.

PRESCRIBED CONDITIONS

A. BASIX Commitments

Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

In this condition:

- a) Relevant BASIX Certificate means:
 - (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

B. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

C. Home Building Act

- 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given Leichhardt Council written notice of the following:

- a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act, or
 - b) in the case of work to be done by an owner-builder:
 - i) the name of the owner-builder, and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- 2) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

D. Site Sign

- 1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while building work or demolition work is being carried out, but must be removed when the work has been completed.

E. Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

NOTES

1. This Determination Notice operates or becomes effective from the endorsed date of consent.
2. Section 82A of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development, integrated development or a complying development certificate. The request for review must be made within six (6) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. Furthermore, Council has no power to determine a review after the expiration of these periods. A decision on a review may not be further reviewed under Section 82A.
3. If you are unsatisfied with this determination, Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within six (6) months of the determination date.
4. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.
5. Works or activities other than those approved by this Development Consent will require the submission of a new development application or an application to modify the consent under Section 96 of the *Environmental Planning and Assessment Act 1979*.
6. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
7. This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):
 - a) Application for any activity under that Act, including any erection of a hoarding.
 - b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
 - c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
 - d) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
 - e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
 - f) Development Application for demolition if demolition is not approved by this consent.
 - g) Development Application for subdivision if consent for subdivision is not granted by this consent.

- h) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
8. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.

Attachment B – Plans of proposed development

BASIX SCHEDULE				MINIMUM REQUIREMENTS	
THIS PLAN CONFORMS WITH BASIX CERTIFICATE NO. A22847_08					
FIXTURES	SHOWERS	TAPS	TOILETS	WATER RATING	
INTERNAL WITH GARAGE OVER GARAGE WALL	3 STAR	3 STAR	3 STAR	INTERNAL SUSPENDED FRAMED FLAT-AC VENER	FLAT ROOF
INSULATION (INCLUDING CONSTRUCTION)	NIL	NIL	R1.70	CEILING, R1.58	FLAT CEILING
HOT WATER	INSTANTANEOUS GAS				
LIGHTING	MINIMUM 40% NEW OR ALTERED LIGHTS FITTED WITH FLUORESCENT OR LED LAMPS.				
ROOF	MEDIUM (solar absorptance 0.75 - 0.70)				

NOTES:

STORMWATER DRAINAGE
Connect to existing stormwater drainage to Louicuts street gutter drainage system.

SEWER DRAINAGE
Connect to existing sewer and waste water to Sydney Water sewer main.

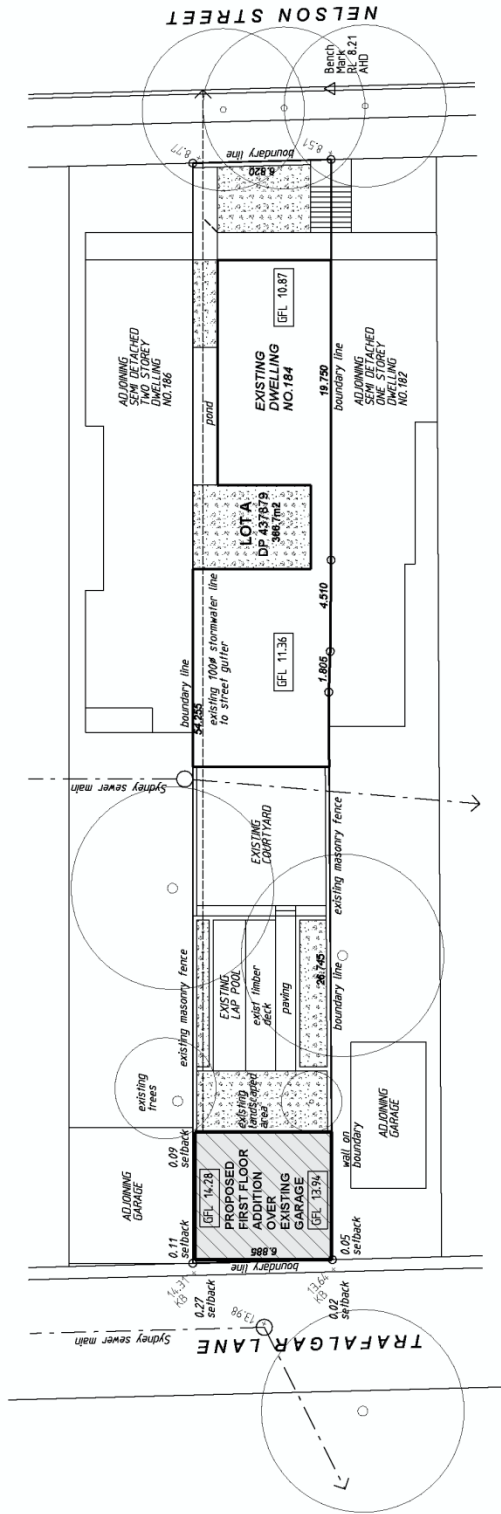
CEMENT CONTROL DURING CONSTRUCTION
Sediment control barrier to Louicuts specifications if required.

TERMITE CONTROL
Chemical physical barrier to be installed in accordance with Australian Standard AS 3660.

SURVEY LEVELS
Levels and contours to Australian Height Datum.

CALCULATIONS

Site Area 366.7m²
Existing Floor Space 198m² (0.54:1)
(Ground Fir 35)
Garage Floor Space 237m² (0.65:1)
(Existing 198)
(Studio 39)
Site Cover 203m² (55.4%)
(House 140)
(Garage 43)
(Pool 12)
(Pond 8)
Private Open Space 145m²
Resepi Soil Area 7m² (19.9%)
Parking 1



SECTION 4.55 AMENDMENTS (Shown Coloured Red)

A1. Maintain existing beam at first floor level uncladded.
A2. Skylights added.
A3. Change louvre windows to clear glass and full opening.
A4. Resitct external sun louvres to 35 degree max. opening.
A5. Delete electric hot water unit and adjoining stud wall divider.
(Gas instantaneous hot water unit to be installed).
A6. Add door between garage and studio stairs. (02)
A7. Airconditioning Unit added.

SITE PLAN 1:200

C	SECTION 4.55 AMENDMENTS	5.9.2018
B	Construction Certificate	16.5.2018
A	Amended elevations. Window W01 deleted.	27.7.2016

AMENDMENTS

A3 scale 1:200 0 2m 4m 6m

Verify all dimensions, levels and existing conditions on site before commencement of work.
This plan was prepared in accordance with the National Construction Code Series - 2015 and relevant Standards Australia codes.
All structural sizes and specifications to engineers certification.
Figured dimensions take preference to scale.
All measurements in millimetres unless stated.



ROSS MORTON SUNDESIGN
7 Taylor Road, Dural, NSW 2188
building design + drafting + consulting
(02) 9651 6696 T
(02) 9653 9779 F
sun@rossmorton.com.au

PROPOSED FIRST FLOOR STUDIO ADDITION TO EXISTING DETACHED GARAGE AT 184 NELSON STREET, ANNANDALE.

10.9.2015
992.1/4C

MATERIAL LEGEND

	New brick veneer
	New timber
	New area floor or wall tiles
	Existing block wall
	Existing timber
	Framed wall
	Insulation batts or blanket

WINDOW SCHEDULE Aluminum Screens to windows.

NO.	SIZE hwxw	FRAME	SASH	GLASS	U-V	SHGC	FLYS
W01	Deleted	Alum	Louvre	Clear	7.63	0.75	Alum
W02	2200x1700	Alum	Louvre	Clear	7.63	0.75	Alum
W03	2200x1600	Alum	Louvre	Clear	7.63	0.75	Alum
W04	700x2100	Alum	Louvre	Clear	7.63	0.75	Alum
W05	700x2100	Alum	Louvre	Clear	7.63	0.75	Alum
SL1	665x970	Velux	Flat Roof	Skylight	4.3	0.5	
SL2							

FINISHES SCHEDULE

NO.	OFFER	DESCRIPTION	REMARKS
1	EXISTING CONCRETE	Existing concrete	
2	10mm THICK STRUCTURAL PARTICLEBOARD	10mm thick structural particleboard	
3	75mm HIBAL POWER/PANEL WITH TEXTURED FINISH OR SYMONITE CLADDING TO SPECIFICATIONS AS INDICATED.	75mm Hibal Power/Panel with textured finish or Symonite cladding to specifications as indicated.	
4	70x45 TIMBER STUD	70x45 timber stud.	
5	SOUNDHEAD PLASTERBOARD WALL/Ceilings. SQUARE SET COMB.	Soundhead plasterboard wall/ceilings. Square set comb.	
6	ENGIGOR CUSTOMWOOD FINISH	Engigor customwood finish	
7	STAINLESS STEEL RAILING	Stainless steel railing.	
8	COLORBOND STEEL TO MANUFACTURER'S SPECIFICATIONS. INSULATION BLANKET UNDER. (REUSE EXISTING IF POSSIBLE)	COLORBOND STEEL TO MANUFACTURER'S SPECIFICATIONS. INSULATION BLANKET UNDER. (REUSE EXISTING IF POSSIBLE)	

FINISHES SCHEDULE

NO.	OFFER	DESCRIPTION	REMARKS
9	ROOF PLUMBING & 100 dia PVC DOWNSPIPES	Skylights steel box after F.J.Pipe 100x25mm DAR.	
10	INTERNAL DOORS	Refer Door Schedule.	
11	EXTERNAL DOORS	Refer Door Schedule.	
12	EN SUITE	Vanity & Toilet.	
13	PLUMBING		
14	EN SUITE	Floor tiling. Walls to ceiling height.	
15	WATER TILING		

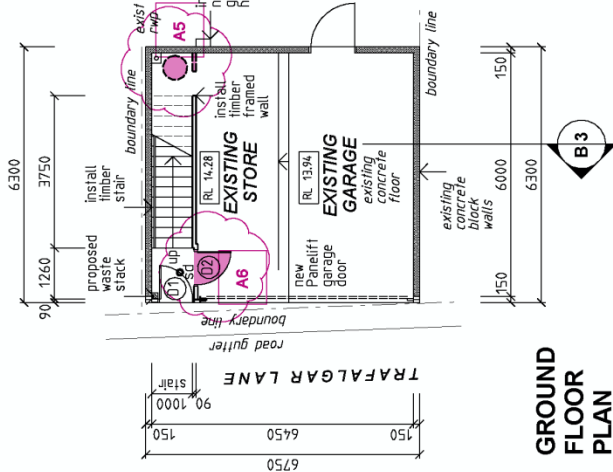
Denotes smoke detector



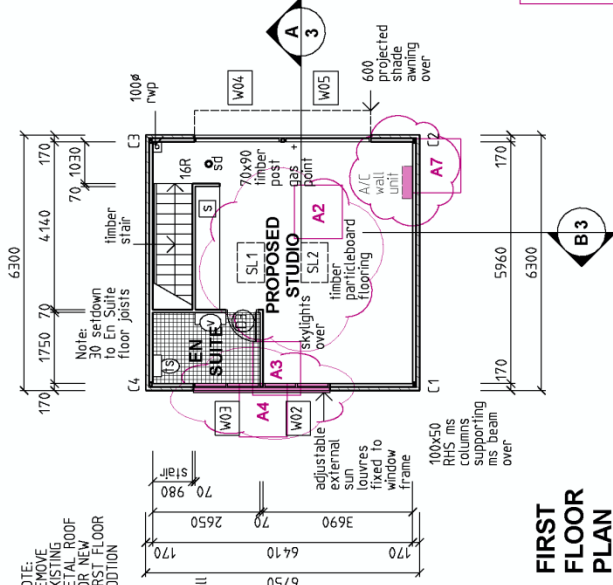
DOOR SCHEDULE

- D01 2040x820 Symonite cladding similar to existing house front door including Samsung digital lock.
- D02 2040x820 Hollowcore flush timber door with paint finish.
- D03 2040x720 Double glazed repetitive glass with aluminium anodised frame with lock.

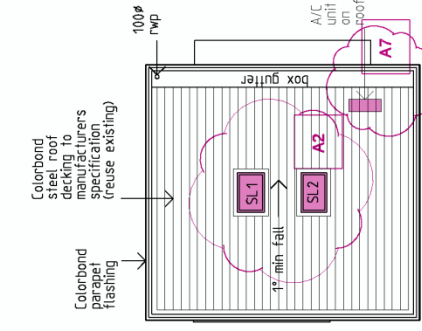
NOTE: NEW EXTERNAL COLOURS (INCLUDING WINDOWS, DOORS AND WALLS) EXPOSED STEEL BEAM TO ROOF FA TO BE SIMILAR TO EXISTING COLOUR. COMPAREABLE SUBSTRATES. COLOUR EXTERNAL LOUVRE TO MATCH WINDOW COLOUR.



GROUND FLOOR PLAN



FIRST FLOOR PLAN



ROOF PLAN

SECTION 4.55: AMENDMENTS (Shown Coloured Red)
 SHOWN ON THIS SHEET

- A2: Skylights added.
- A3: Change louvre windows to clear glass and full opening.
- A4: Restrict external sun louvres to 35 degree max. opening.
- A5: Delete electric hot water unit and adjoining stud wall divider. (Gas instantaneous hot water unit to be installed.)
- A6: Add door between garage and studio stairs. (D2)
- A7: Airconditioning Unit added.

REFER NOTES DRAWING NO.1.

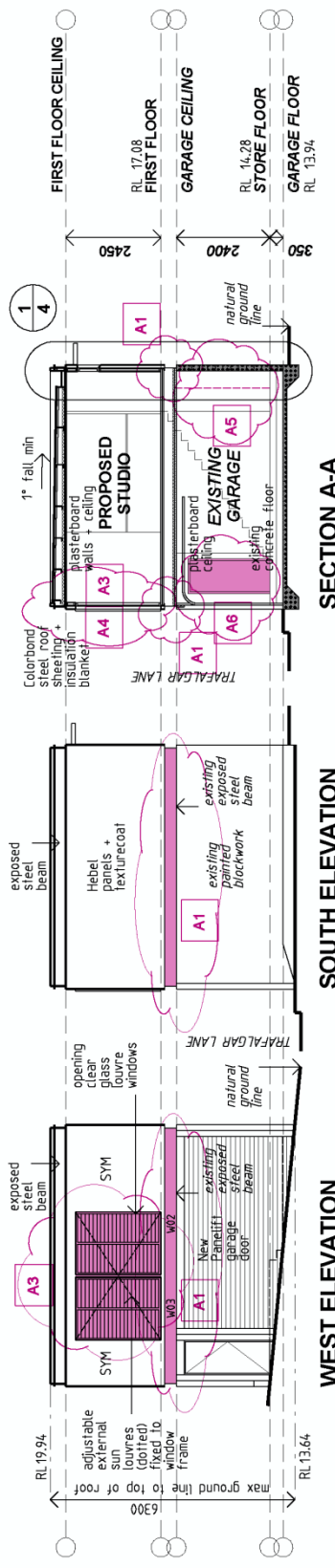
A3 scale 1:100 0 1m 2m 3m

ROSS MORTON SUNDESIGN
 7 Taylors Road, Dural, NSW 2158

(02) 9851 6898 T
 (02) 9653 9779 F
 rossm@rossm.com.au

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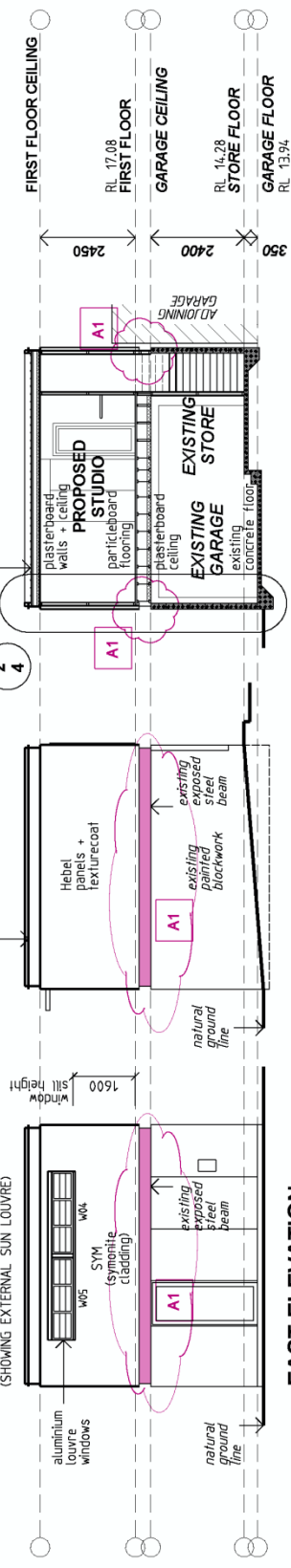


SECTION A-A

SECTION 4.55 AMENDMENTS (Shown Coloured Red)
SHOWN ON THIS SHEET

- A1. Maintain existing beam at first floor level uncladded.
- A3. Change louvre windows to clear glass and full opening.
- A4. Desic external sun louvers to 35 degree max. opening.
- A5. Add door between garage and studio stairs. (02)
- A6. Add door between garage and studio stairs. (02)

Colorbond
 steel roof
 insulation
 blanket
 plasterboard
 walls + ceiling
 steel roof
 sheathing +
 insulation
 blanket
 existing
 concrete floor



SECTION B-B

WEST ELEVATION
 (SHOWING EXTERNAL SUN LOUVRE)

A	Amended elevations. Window W01 deleted.	29.7.2016
AMENDMENTS		

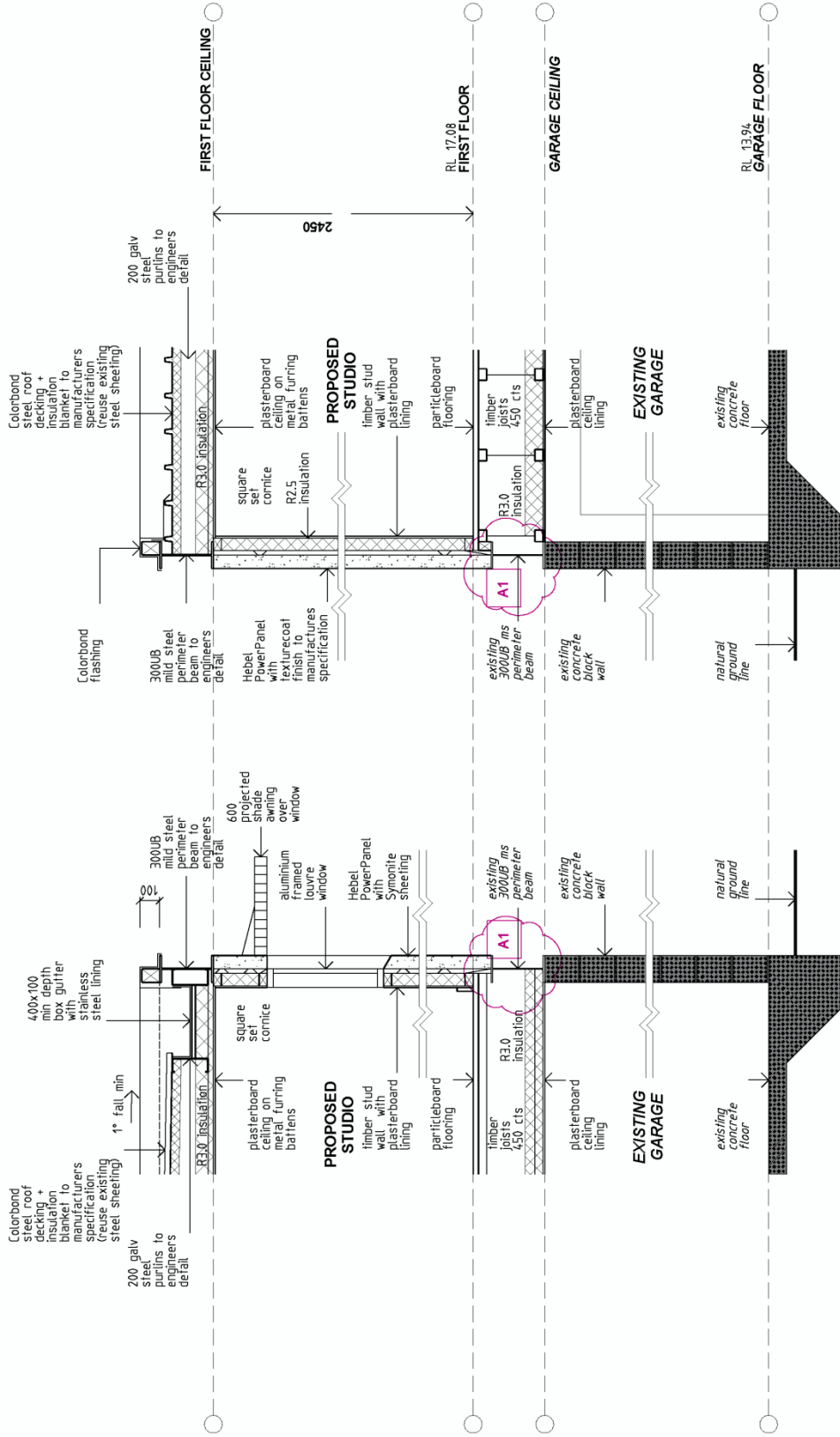
REFER NOTES DRAWING NO.1.

A3 scale 1:100 0 1m 2m 3m

ROSS MORTON SUNDESIGN
 7 Tullys Road, Dural, NSW 2158
 (02) 9651 6686 T
 (02) 9653 9779 F
 sunesign@optusnet.com.au

184 NELSON STREET, ANNANDALE

992.3/4C



SECTION 4.55 AMENDMENTS (Shown Coloured Red)
SHOWN ON THIS SHEET
A1. Maintain existing beam at first floor level uncladded.

2
4
DETAIL
1:20

1
4
DETAIL
1:20

REFER NOTES DRAWING NO.1.
A3 scale 1:20 0 5m 10m 15m

ROSS MORTON SUNDESIGN
7 Taylors Road, Dural, NSW 2158
(02) 9651 6698
T
sun@rossmorton.com.au

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184 NELSON STREET, ANNANDALE

Attachment C- Statement of Significance for Conservation Area

Godden Mackay Logan

Area 18 Annandale Conservation Area

Landform

A wide ridge of land between Whites Creek and Johnstons Creek running due north to Rozelle Bay, with views from cross streets, and from the northern end of the suburb to the harbour, Anzac Bridge and the city, and west towards Leichhardt.



Figure 18.1 Annandale Conservation Area Map.

History

George Johnston, a marine officer of the First Fleet, received a grant of 290 acres on the northern side of Parramatta Road in 1799, an area now known as Annandale, named after Johnston's home town in Dumfriesshire, Scotland where he was born in 1764. Annandale House, designed in the Georgian style, was occupied by the Johnston family from 1800, and despite development closing in on all sides, their Annandale estate remained intact until 1876.

The first subdivision of 1876 reveals a grid of streets and allotments covering the land bounded by Parramatta Road, Johnston, Collins and Nelson Streets. Robert Johnston transferred this portion to his son, George Horatio, in June 1876 who sold off 75 lots to John Young, who then purchased the remainder of the estate for 121,000 pounds in October 1877. Young then sold the land to the Sydney Freehold Land and Building Investment Co Ltd, which he formed in 1878 to subdivide and sell the 280 acre estate. Building contractor and entrepreneur John Young, the company's chairman for the rest of its life, and its second largest shareholder, left an indelible impression on Annandale's development. Other directors of the company were politicians Samuel Gray and Robert Wisdom, developers John North and AW Gillies, soap and candle manufacturer WA Hutchinson and Henry Hudson.

Architect and surveyor Ferdinand Reuss junior won a prize of 150 pounds offered by the company for the best design for the subdivisional layout for Annandale

and designed many of the houses. Reuss widened Johnston Street, a major design feature which followed the spine of the ridge from 66ft to 100ft and the topography of the estate encouraged the symmetrical street grid pattern.

Annandale Street, 80 feet wide, almost rivalled Johnston Street, but its opposite number, Trafalgar Street, retained the 66ft width determined by the 1876 plan. On the western side, Young Street matched the 66ft wide Nelson Street, which for topographical reasons terminated at Booth Street. The four cross-streets, Collins, Booth, Piper and Rose Streets were also 66ft wide. The centrepiece of the plan was an open space at the junction of Johnston and Piper Streets, which became Hinsby Reserve. The plan also featured two other large reserves and six smaller ones. The company's original policy of 'no back lanes' was an enlightened planning policy: access for night soil collection was to be by side passage from the front street. Terrace housing was therefore not part of their plans, indicating that they were aiming for a middle class market. Even the lesser streets were 50ft wide, still above the standard widths of other suburban streets.

The majority of the building lots were generous, directed again to a middle class market: 66ft frontages with depths of about 90ft, ideal for freestanding houses. Most of the allotments sold up to 1881 were in Johnston and Annandale Streets. Allotments on the slopes above the creeks were largely ignored. Though extension of the tram track along Parramatta Road reached the junction of Annandale's main artery in 1883, the track was not built along Johnston Street. Land sales were sluggish and in 1882 the company was forced to revise its original policy on lot sizes. Though Johnston and Annandale Streets remained typical of the kind of middle class suburb the company originally envisaged, elsewhere a proliferation of small lots were created by re-subdivisions. The company began with land on the creek slopes near Parramatta Road, re-subdividing sections 26 and 30 (creating Mayes Street), 34 (Ferris Street) and 37 on the western side, and eastern sections 28 and 33. The smaller lots did attract working class buyers, largely missing before 1882.

Between 1884 and 1886 more sections were resubdivided, increasing the number of sales up to 1889. Section 25, creating Alfred Street, and 35 were resubdivided, and sections 9-11 and 16-19 were halved to create sections 50 and 56 (along the banks of Whites Creek). The company undertook further resubdivisions in 1887 and 1888 involving sections 13, 21, 22, 24, 29, 39 and 40. As land sales reached their peak Annandale ratepayers began petitioning to secede from Leichhardt Council and incorporate the new Borough of Annandale which occurred in 1894. Between 1894 and 1930 Annandale Council was filled with self-employed local businessmen - timber merchants, builders and contractors, printers, grocers, butchers and a long serving carrier. They provided social leadership in their community. Many of the builders of the suburb's physical fabric possessed local addresses. The number of Annandale's builders and contractors rose from one in 1884 to fourteen in 1886 to seventeen in 1889. Apart from John Young, a partnership comprising John Wise, Herbert Bartrop and John Rawson was especially active in 1881/2, making twenty-five separate purchases. Other prominent local builders of Annandale's houses were Robert Shannon, William Nicholls, William Baker, Albert Packer, Owen Ridge,

George McDonald, George Bates, Hans Christensen, Cornelius Gorton, William Wells and Phillip Newland.

The Sydney Freehold Land and Building Investment Co Ltd, after thirty-eight years of having a controlling interest in Annandale, went into liquidation in 1916. The remaining unsold lots which were, in the main, located at the suburb's northern end, were bought by the Intercolonial Investment Land and Building Co Ltd. Annandale's last major land sales began in 1909 when Young's Kentville Estate was subdivided into ninety allotments.

By 1893, of Annandale's 1,189 residences, 906 were constructed of brick and 250 of weatherboard. The whole process of building up the streets of Annandale stretched over a long time. At the 1901 census there were 1,729 houses increasing to 2,363 by 1911 and reaching 2,825 in 1921. Annandale had 3,265 residences at the 1947 census.

The bubonic plague first appeared in The Rocks in 1901, and led to quarantine areas in Glebe and other inner areas. It affected attitudes to inner city/suburban housing, so that by 1910 those who could afford to were moving out, particularly to the railway suburbs. Inner suburban areas such as Annandale began to be seen as slums. It was at this time, and particularly after World War I, that industry began to appear in peripheral areas, along Johnstons and Whites creeks and in the swampy head of Rozelle Bay (later to be reclaimed).

John Young, with architectural and engineering experience in England including as superintendent for Crystal Palace, purchased the North Annandale land, established the Sydney Freehold Land & Building Investment Co to lay out the subdivision and finance the residential building.

The subdivision in the 1870s was premature, forcing the company to re-subdivide many of the large 'villa' allotments along Annandale Street and Trafalgar Street for smaller scale housing attracting working class residents. Johnston Street for the most part still exhibits the single villa ideals envisaged by the company for the three main streets.

Sources

Information provided by Max Solling.

Significant Characteristics

- Close relationship between landform and layout of the suburb with widest street along ridge top.
- The highest land has the widest streets and the largest buildings with the deeper setbacks
- Streets, buildings and setbacks diminish in size towards creeks.
- Important civic, ecclesiastical and educational buildings sited on top of the ridge facing Johnston Street, giving spire of Hunter Bailey Church high visibility from wide arch of Sydney suburbs.

- A notable group of buildings, 'the witches hats' sited on northern edge of Johnston Street ridge as it falls towards Rozelle Bay.
- Tree-lined streets, particularly of brush box, planted within the carriageway.
- Industrial buildings occur randomly, but generally marginalised to creek edges, the northern end of Annandale and round Booth Street.
- Variety of domestic buildings 1880s-1930s including single and double-fronted freestanding, semidetached and terrace houses and pre-World War II flats from one to three storeys.
- Small collection of weatherboard dwellings.
- Victorian Italianate boom period villas generally along southern end of Johnston Street, nearer to Parramatta Road.
- Uninterrupted commercial buildings with attached dwelling along Parramatta Road, with parapets and balconies or suspended awnings and some original shop fronts.
- Group of shops, pub, post office, church at intersection of Booth Street.
- Occasional corner shops throughout suburb.
- Skyline of chimneys, decorative fire wall dividers on terraces, ridge capping and finials.
- Wealth of decorative elements – iron fences, coloured tiles in paths, steps and verandahs, plaster moulding finishes above door and window openings, coloured glass, chimneys, verandah awnings.
- Walls of rendered brick (1870s and 1880s), and dry pressed face brick (available from c1890s).
- Roof cladding of terracotta tiles, slate, and some iron, particularly on verandahs.
- Irregular occurrence of back lanes.
- Iron palisade fences on low sandstone plinth.
- Continuous kerbs and gutters – many of sandstone.
- Rock outcrops within footpath and road alignments.

Statement of Significance or Why the Area is Important

- One of a number of conservation areas that collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). This area is important as a well planned nineteenth-century suburb, and for illustrating development particularly from 1880s-1890s, aimed initially at the middle class market. The surviving development from this period forms the major element of its identity along with an area of 1910s-1930s development at its northern end.

- Demonstrates the vision of John Young, architect, engineer and property entrepreneur.
- Demonstrates, arguably, the best and most extensive example of the planning and architectural skills of Ferdinand Reuss, a designer of a number of Sydney's Victorian suburbs, including South Leichhardt (the Excelsior Estate) and Birchgrove.
- Clearly illustrates all the layers of its suburban development from 1878, through the 1880s boom and resubdivision, the 1900 slump and the appearance of industry, and the last subdivision around Kentville/Pritchard Streets to the 1930s, with the early 1880s best illustrated along Johnston and Annandale Streets.
- Demonstrates a close relationship between landform and the physical and social fabric of the suburb.
- In its now rare weatherboard buildings it can continue to demonstrate the nature of that major construction material in the fabric of early Sydney suburbs, and the proximity of the timber yards around Rozelle Bay and their effect on the building of the suburbs of Leichhardt.
- Displays a fine collection of large detached Victorian Italianate boom-period villas with most decorative details still intact, set in gardens.
- Displays fine collection of densely developed Victorian commercial buildings.
- Through the absence/presence of back lanes, changes in the subdivision pattern, and the range of existing buildings it illustrates the evolution of the grand plan for Annandale, in response to the market, from a suburb of middle class villas to one of terraces and semis for tradesmen and workers.

Management of Heritage Values

Generally

This is a conservation area. Little change can be expected other than modest additions and discrete alterations. Buildings which do not contribute to the heritage significance of the area may be replaced with sympathetically designed infill.

Retain

- All pre-1939 buildings and structures because they are important to understanding the history of the growth of this suburb.
- All weatherboard buildings, their rarity adds to their significance.
- Green garden space to all residential buildings – an important part of the character of Annandale.
- Original plastered walls (generally belonging to pre-1890s buildings).
- Original dry pressed face brick walls (generally belonging to post-1890s buildings).

- All original architectural details.
- Original iron palisade fences.
- Back lanes in their early configuration.
- Brush box tree planting, replace where necessary in original position within the alignment of the carriageway.
- All sandstone kerbs and gutter uninterrupted by vehicular access.

Avoid

- Amalgamation to create any more wider allotments that would further disrupt the Victorian pattern of development.
- Demolition of any pre-1939 building unless it is so compromised that it can no longer contribute to an understanding of the history of the area.
- Plastering or painting of face brick walls.
- Removal of plaster from walls originally sealed with plaster.
- Removal of original architectural details.
- Changes to the form of the original house. Second or third storey additions.
- Posted verandahs over footpaths to commercial premises or former commercial premises where no evidence can be provided to support their reconstruction.
- Additional architectural detail for which there is no evidence.
- High masonry walls or new palisade fences on high brick bases.
- Alteration to back laneways.
- Road chicanes which cut diagonally across the line of the streets.

Further Work

Use Water Board Detailed Survey of 1890 to identify which buildings remain from that time.

Compile photographic record of the conservation area from photos available since the late nineteenth century to the present time, as a means of assisting in appropriate reconstruction/'restoration'.